

Settlement/Hearing: February 14th, 2018
Time: 9:55 A.M.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
IN RE:

SHAYE KRAUS,

Debtor(s)

- - - - -
Chapter 13
Case No. 17-23812 RDD

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 14th day of February, 2018 at 9:55 A.M. at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York
January 22nd, 2018

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir (JLS0938)
Chapter 13 Trustee
399 Knollwood Road
White Plains, New York 10603
Chapter 13 Tel. No. 914-328-6333

TO: United States Trustee
201 Varick Street #1006
New York, New York 10014

Shaye Kraus
334 Route 306
Monsey, New York 10952

Ford Motor Credit Company, LLC
P.O. Box 62180
Colorado Springs, Colorado 80962

Ford Motor Credit Company, LLC
c/o Schiller Knapp Lefkowitz & Hertzel, LLP
950 New Loudon Road
Latham, New York 12110

Rushmore Loan Management
15480 Laguna Canyon Road
Irvine, California 92618

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13
Case No. 17-23812 RDD

SHAYE KRAUS,

Debtor(s)

-----x

ORDER DISMISSING CHAPTER 13 CASE

The chapter 13 trustee having moved, on due notice, for an order dismissing this chapter 13 case; and, upon the motion and the record of the February 14, 2018 hearing thereon, the Court having found that the above-captioned debtor, having failed to comply with 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4) and 11 U.S.C. §521(i) and (e)(2)(A)(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to timely file a plan, failed to appear and be examined at the scheduled §341(a) meeting of creditors, failed to remit timely proposed chapter 13 plan payments to the trustee, failed to provide the required documentation, in particular, schedules, statement of financial affairs, payment advices and evidence of other payments received within 60 days, and the “means” test, and seven days before the §341(a) meeting of creditors, Federal and New York State tax returns for the several years prior to filing, and good cause appearing,

IT IS ORDERED THAT:

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York
February , 2018

UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - - x
IN RE:

SHAYE KRAUS,

Chapter 13
Case No. 17-23812 RDD

TRUSTEE'S AFFIDAVIT

Debtor(s)

- - - - - x
STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1. He is the standing Chapter 13 Trustee.
2. The debtor filed a Chapter 13 proceeding on November 27th, 2017.
3. The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1); (c)(3) and (c)(4).
4. The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which requires the debtor to file schedules, statement of financial affairs, payment advices and evidence of other payments received within 60 days, and the "means" test.
5. The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditor* copies of Federal and New York State tax returns for the most recent year immediately prior to the commencement of the case.
6. The debtor failed to timely file a plan in violation of Bankruptcy Rule 3015(b), and schedules in violation of Bankruptcy Rule 1007(c).
7. The debtor failed to remit timely proposed plan payments to the trustee, having remitted -0- payments, and being, at this juncture, one month in arrears.

8. The debtor failed to appear and be examined at the initial §341(a) meeting of creditors.

9. The delay created by the debtor is prejudicial to creditors,

WHEREFORE, the trustee respectfully requests that the annexed order dismissing this case pursuant to 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4) and 11 U.S.C. §521(i), and §521(e)(2)(A)(i), be signed.

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir

Sworn to before me this
22nd day of January, 2018

/s/ Jody L. Kava

Jody L. Kava
Notary Public, State of New York
No. 02KA4836806
Qualified in Westchester County
Term Expires: 10/31/21

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

- - - - -
IN RE:

Chapter 13
Case No. 17-23812 RDD

SHAYE KRAUS,

Debtor(s)

- - - - -x

AFFIDAVIT OF MAILING

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On January 22nd, 2018, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

TO: United States Trustee
201 Varick Street #1006
New York, New York 10014

Shaye Kraus
334 Route 306
Monsey, New York 10952

Ford Motor Credit Company, LLC
P.O. Box 62180
Colorado Springs, Colorado 80962

Ford Motor Credit Company, LLC
c/o Schiller Knapp Lefkowitz & Hertzel, LLP
950 New Loudon Road
Latham, New York 12110

Rushmore Loan Management
15480 Laguna Canyon Road
Irvine, California 92618

/s/ Lois Rosemarie Esposito
Lois Rosemarie Esposito

Sworn to before me this
22nd day of January, 2018

/s/ Jeffrey L. Sapir
Jeffrey L. Sapir
Notary Public, State of New York
No. 02SA8764500
Qualified in Rockland County
Term Expires: 12/31/18